

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DOROTHY SMITH,

JUDGE:

Plaintiff,

CASE NO.:

v.

BATH & BODY WORKS, INC.,

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332(a), 1441(a) and 1446 and the applicable Local Rules of the United States District Court for the Southern District of New York, Defendant Bath & Body Works, Inc. (“BBW”), hereby removes this action from the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York. In support thereof, Defendant states and avers as follows:

1. On or about March 29, 2022, Plaintiff Dorothy Smith filed a Complaint in a civil action for money damages in the Supreme Court of the State of New York, County of New York, against BBW, Index No. 152644 / 2022 (the “State Action”).
2. The documents attached as Exhibit “A” constitute all of the process and pleadings served and filed in the State Action to date, pursuant to 28 U.S.C. § 1446(a).
3. A copy of the Complaint was served upon BBW on April 4, 2022.
4. This Notice of Removal (“Notice”) is filed in the United States District Court for the Southern District of New York, within the district and division embracing the place where the State Action was filed, as required by 28 U.S.C. §§ 1332 and 1441(a).

5. Plaintiff is a citizen of the State of New York.
6. BBW is a Delaware corporation with its principal place of business in Ohio. For purposes of removal, BBW is not a citizen of New York.
7. Therefore, complete diversity of citizenship exists between Plaintiff and BBW.
8. In paragraph 11 of her Complaint, Plaintiff alleges that she suffered “serious and permanent injuries.”
9. On April 4, 2022, Plaintiff’s counsel exchanged email correspondence with the undersigned on whether Plaintiff’s damages exceed \$75,000. Plaintiff’s counsel stated that Plaintiff’s alleged damages include a spinal surgery and confirmed damages are in excess of \$75,000. Affidavit of Mony Yin, ¶¶ 3-5, attached hereto as Exhibit “B.”
10. Consequently, Plaintiff’s damages are in excess of \$75,000 pursuant to 28 U.S.C. § 1446(c)(3)(A).
11. This Notice is timely as it is being filed within thirty (30) days of service of Plaintiff’s Complaint. *See* 28 U.S.C. § 1446(b)(3).
12. The undersigned has served a Notice of Filing the Notice of Removal of this action on Plaintiff by serving her counsel and will also file a copy of this Notice and all attachments thereto with the Supreme Court of the State of New York, County of New York. A copy of the Notice of Filing of the Notice of Removal is attached hereto as Exhibit “C.”
13. Defendant has satisfied all procedural requirements with respect to diversity of citizenship, amount in controversy and timing; therefore, removal to this Court is proper. *See* 28 U.S.C. §§ 1332, 1441, and 1446.

WHEREFORE, Defendant respectfully requests this case be entered upon the docket of the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. §§ 1441 and 1446.

PEREZ MORRIS LLC



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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2022, I electronically transmitted the foregoing document to the Clerk of the Court using the CM/ECF System for filing and transmittal to all counsel of record.

PEREZ MORRIS LLC



BY: Mony B.P. Yin, Esq.